



Meeting	Authority Meeting
Date	23 February 2023
Location	Crowne Plaza, Glasgow
Title of Paper	SPA Complaints & Conduct Committee Annual Report
Presented By	Katharina Kasper, Complaints and Conduct Committee Chair
Recommendation to Members	For Discussion
Appendix Attached	Yes – Appendix A – SPA Complaints & Conduct Committee Annual Report (2021-22)

PURPOSE

The purpose of this report is to update Members on the publication of the SPA Complaints & Conduct Committee Annual Report for 2021-2022.

This paper is for discussion.

1 BACKGROUND

- 1.1. In November 2020, the Final Report on the 'Review of Complaints Handling and Misconduct Issues in Relation to Policing', undertaken by Dame Elish Angiolini, was published. The Report recommended that:
- 1.2. *The SPA Complaints and Conduct Committee's scrutiny function should be reported on in the SPA annual report, drawing out particular trends, highlighting improvements or concerns and using complaints data as an indicator of communities' satisfaction or dissatisfaction with policing services (Recommendation 31).*
- 1.3. *In order to ensure public confidence in the police, the SPA should confirm each year in its annual report whether or not in its view, based on an informed assessment by the Complaints and Conduct Committee and evidence from the relevant audits, the Chief Constable has suitable complaint handling arrangements in place (Recommendation 59).*
- 1.4. Whilst high level summary is included in the SPA Annual Report, it was recognised that there was an opportunity to supplement this approach through the publication of a more detailed, Committee-specific annual report.

2 FURTHER DETAIL ON THE REPORT TOPIC

- 2.1. The Complaints & Conduct Committee Annual Report (Appendix A), covering the period 2021-22, is the second such annual report published by the Authority.
- 2.2. The report serves to highlight trends in respect of complaints received during 2021-22, performance in respect of complaints handling and provide assurance in respect of Authority scrutiny in this important area, recognising its key link to public confidence in policing in Scotland.
- 2.3. In line with the Dame Elish Review recommendations, the Report is focussed specifically on 'complaints'.
- 2.4. The report is introduced with a foreword by the Committee Chair. This section sets out the assessment of the Committee, in line with Recommendation 59 (above), as follows (and as also recorded in the SPA Annual Report & Accounts for the period):

An initial joint audit by SPA and the PIRC is yet to report its findings at the time of writing. Additionally, there is ongoing engagement

with Police Scotland in respect of the developing content of Committee assurance reports. As such, it is expected that the Authority will be able to provide a more informed assessment as to the suitability of Police Scotland complaints handling arrangements next year. Nevertheless, there is clear evidence of progress during 2021-22.

- 2.5. The report outlines the functions of the Authority, Police Scotland and the PIRC in respect of complaints, as defined in legislation, before describing the role of the Committee in this regard as per the SPA Corporate Governance Framework.
- 2.6. It sets out Committee membership (during 2021-22, and current), before summarising key areas of business considered during the period, covering:
 - Complaints Handling Performance Reports;
 - Independent Review of Complaints Handling, Investigations & Misconduct Issues in Relation to Policing;
 - New Police Scotland National Complaint Handling Operating Model;
 - Monitoring of the Handling of Complaints by the Chief Constable;
 - Professional Boundaries;
 - Private Committee Business;
 - Wider Committee Engagement & Training; and
 - Review of Committee Effectiveness.
- 2.7. The report then provides a summary of complaints handling performance during 2021/22 in respect of both the SPA and Police Scotland, and Committee oversight of the same.
- 2.8. Given the specific relevance of COP26, as well as the impact of COVID-19 on complaints, specific sections are included in this regard.
- 2.9. This section also includes information on PIRC Complaint Handling Reviews in respect of Police Scotland, as well as an overview of organisational learning resulting from complaints within Police Scotland.
- 2.10. Where available, trend analysis is provided, by year, over a 5-year period.
- 2.11. The report also provides update on cross-agency joint working during the period.

2.12. The final section provides a look ahead to the focus of the Committee for 2022-23.

3 FINANCIAL IMPLICATIONS

3.1. There are no financial implications in this report.

4 PERSONNEL IMPLICATIONS

4.1. There are no personnel implications in this report.

5 LEGAL IMPLICATIONS

5.1. There are no legal implications in this report.

6 REPUTATIONAL IMPLICATIONS

6.1. There are reputational implications associated with this paper. The publication of a Committee-specific Annual Report, including assessment of the suitability of Police Scotland complaint handling arrangements, serves to highlight trends in respect of complaints received, performance in respect of complaints handling and provide assurance in respect of Authority scrutiny in this important area, recognising its key link to public confidence in policing in Scotland.

7 SOCIAL IMPLICATIONS

7.1. There are no social implications in this report.

8 COMMUNITY IMPACT

8.1. There are no community implications in this report.

9 EQUALITIES IMPLICATIONS

9.1. There are no equality implications in this report.

10 ENVIRONMENT IMPLICATIONS

10.1. There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the contents of this report.



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

Complaints & Conduct Committee

**Annual
Report**



2021-22





Contents

Committee Chair Foreword	3
Introduction	4
Committee Business during 2021-22	6
Complaints Handling Performance Reports	6
Independent Review of Complaints Handling, Investigations & Misconduct Issues in Relation to Policing	7
New Police Scotland National Complaint Handling Operating Model	9
Monitoring of Handling of Complaints by the Chief Constable	10
Professional Boundaries	11
Private Committee Business	12
Wider Committee Engagement & Training	13
Review of Committee Effectiveness	14
Complaints Handling Performance	15
Definitions	15
COP26	16
COVID-19	17
Police Scotland Complaints Performance	18
Police Investigations & Review Commissioner	27
Police Scotland Organisational Learning	30
Scottish Police Authority Complaints Performance	34
Cross-Agency Joint Working	41
Look Ahead to 2022-23	43

Committee Chair Foreword

This is the Authority's second Complaints and Conduct Committee annual report, which serves to highlight trends in respect of complaints received during 2021-2022, performance in respect of complaints handling during that period and provide assurance in respect of Authority scrutiny in this important area, recognising its key link to public confidence in policing in Scotland.

Introduction of annual reporting in this regard was prompted by the [Final Report](#) on the 'Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing', undertaken by Dame Elish Angiolini, which recommended that:

- the SPA Complaints and Conduct Committee's scrutiny function should be reported on in the SPA annual report, drawing out particular trends, highlighting improvements or concerns and using complaints data as an indicator of communities' satisfaction or dissatisfaction with policing services (Recommendation 31)
- in order to ensure public confidence in the police, the SPA should confirm each year in its annual report whether or not in its view, based on an informed assessment by the Complaints and Conduct Committee and evidence from the relevant audits, the Chief Constable has suitable complaint handling arrangements in place (Recommendation 59)

In respect of Recommendation 31, as with last year, a high level summary has been included in the 2021-2022 SPA Annual Report, this more detailed, Committee-specific report aiming to supplement this approach.

As previously noted, there will be opportunities to further develop future reports as work continues to be progressed by partners in implementing recommendations from Dame Elish Angiolini's Preliminary and Final Reports.

In respect of Recommendation 59, an initial joint audit by SPA and the PIRC is yet to report its findings at the time of writing. Additionally, there is ongoing engagement with Police Scotland in respect of the developing content of Committee assurance reports. As such, it is expected that the Authority will be able to provide a more informed assessment as to the suitability of Police Scotland complaints handling arrangements next year. Nevertheless, there is clear evidence of progress during 2021-22.



Katharina Kasper

Chair – Complaints and Conduct Committee

1

Introduction

The Authority has specific functions under the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006](#) and the [Police & Fire Reform \(Scotland\) Act 2012](#) in respect of complaints. These are summarised below:

- it must deal with “relevant” complaints against the Authority, its staff, and senior officers of Police Scotland (i.e. officers of the rank of Chief Constable, Deputy Chief Constable and Assistant Chief Constable)
- it must keep itself informed of the manner in which Police Scotland deals with relevant complaints, and be satisfied that Police Scotland has suitable arrangements in place

The Police Investigations & Review Commissioner (PIRC) has a similar statutory duty to the Authority in this regard. Under the Police, Public Order and Criminal Justice (Scotland) Act 2006, it must keep under review all arrangements maintained by both the Scottish Police Authority and Police Scotland for the handling of relevant complaints; and seek to secure that those arrangements are efficient and effective, contain and manifest an appropriate degree of independence, and are adhered to.

In the context of Police Scotland:

- it must deal with “relevant” complaints against Police Scotland, police officers at the rank of Chief Superintendent and below, and police staff

“Relevant” complaints are as defined in the 2006 Act, although a summary is provided in section three below.

The role of the Authority's [Complaints & Conduct Committee](#), specifically in relation to complaints, is:

- to provide assurance that the Authority has suitable arrangements for the handling of complaints about the SPA, its staff and senior officers of Police Scotland
- to monitor the handling of complaints by the Chief Constable

It fulfils this role by:

- considering and approving arrangements, including policies and procedures and guidance, relating to the handling of complaints by the Authority, seeking the views of other stakeholders as necessary
- considering and determining complaints against the Authority, its staff and senior officers of Police Scotland in accordance with the provisions of the Police Public Order and Criminal Justice (Scotland) Act 2006 and the statutory guidance produced by the PIRC
- monitoring the handling of relevant complaints by the Authority and Police Scotland, seeking information on themes or trends as appropriate, with a view to the Committee satisfying itself that the arrangements maintained by the Authority and Police Scotland for the handling of relevant complaints are suitable
- critically examining reports from HMICS, PIRC, and any other information provided by Police Scotland in relation to complaints about the police, and ensuring that appropriate improvement plans are implemented or remedial action is taken within agreed timescales
- contributing to and considering the findings of official reviews of complaints and conduct matters, and ensuring that recommendations from such reviews are implemented as appropriate

2

Committee Business during 2021-22

Current [Committee](#) members:

- Katharina Kasper- Chair (from Sep 2022)
- Dr Catriona Stewart OBE (from Jun 2022)
- Grant Macrae
- Professor Fiona McQueen CBE
- Paul Edie

Former Committee member:

- Alasdair Hay- Chair (to Sep 2022)

The Committee met on 11 occasions during the 2021-2022 financial year. During this period the Committee considered a number of standing, cyclical and ad hoc items as outlined below, in respect of complaints.

Further information on Committee membership, as well as copies of reports, minutes and Livestream recordings of public sessions of the Committee are available from the [SPA website](#).

Complaints Handling Performance Reports

As a standing agenda item, the Committee receive quarterly reports on complaints handling performance in respect of both the SPA and Police Scotland. The Committee also receives quarterly reports from the PIRC including updates on Complaint Handling Review (CHR) Applications; CHR Reports; and Outcomes including CHR Disposals and Recommendations.

A summary of annual complaints handling performance data, and resulting analysis and insights, is provided in section three below.

The Dame Elish Angiolini Review made a recommendation that the SPA Complaints and Conduct Committee should scrutinise Police Scotland performance in dealing with complaints and hold the service to account where targets are not being achieved.

It also recommended that the Committee should hold Police Scotland to account for delays in investigations into complaints and misconduct.

During 2021-22, Members have sought enhanced assurance reporting around matters including:

- additional information on complaint categories and outcomes, including geographical differences
- ongoing trend analysis
- analysis of key themes, organisational learning and audited impact of improvement activity

Whilst some significant changes and improvements have already been made, engagement remains ongoing with Police Scotland on incorporation of enhanced assurance content within Committee reports.

Independent Review of Complaints Handling, Investigations & Misconduct Issues in Relation to Policing

In June 2018, the Cabinet Secretary for Justice and the Lord Advocate invited Dame Elish Angiolini to conduct an independent review on complaints against the police in Scotland.

The 'Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing: [Preliminary Report](#)' was published in June 2019. The 'Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing: [Final Report](#)' was published in November 2020.

The Committee receives quarterly updates on progress to discharge recommendations specific to the SPA and Police Scotland.

Police Scotland are singly or jointly responsible for the majority of recommendations from the Review which are not dependent on legislative change, and have established a Strategic Oversight Group chaired by ACC Professionalism and Assurance.

This Oversight Group is charged with progressing internal scrutiny in the management and discharge of those recommendations which do not require legislative change or input from other stakeholders, doing so in conjunction with staff associations, Professional Standards Department, People and Development and Risk, Assurance and Inspection teams.

Police Scotland have emphasised the importance of engagement with staff associations specifically, and have recognised their valuable input to this work to date, with the Committee welcoming this level of involvement.

In addition to the Scottish Government established governance framework outlined below, Police Scotland have engaged with HMICS to provide an independent layer of assurance to ensure sufficiency of evidence for the closure of all recommendations.

From November 2021, HMICS have attended the Committee, providing assurance around their review of suitability of evidence from Police Scotland in respect of recommendations proposed for discharge, noting the huge amount of work undertaken in relation to improvement, as well as the high standard of quality of resulting evidence submissions. Both Police Scotland and the Committee have thanked HMICS for their assistance in this regard.

National governance structures have been established, through a Ministerial Group and Strategic Oversight and Practitioner Working Groups, which now meet on a quarterly basis.

In line with the national assurance and thematic progress reporting cycle, partner organisations submit completed highlight reports to Scottish Government outlining progress in respect of recommendations (not dependent on legislative change) for which they are singly or jointly responsible, including any proposed for sign-off. A combined progress report is then tabled for discussion at the Practitioner Working Group, prior to being considered by the Strategic Oversight Group and Ministerial Group.

Following final signoff by the Cabinet Secretary and Lord Advocate, resulting Thematic Progress Reports are published. To date, there have been four published reports in June 2021, December 2021, June 2022 and December 2022.

The Committee receive regular assurance from the SPA and Police Scotland that progress is being made in line with planned timescales, welcoming the approach taken by both in delivering the recommendations, whilst noting critical interdependencies in order to deliver them.

Resulting evidence of progress, as at 31 March 2022, against outstanding recommendations from the Preliminary Report and those arising from the Final Report which do not require legislative change, is set out within the Scottish Government third thematic [progress report](#) published in June 2022.

During 2021-22, the Committee welcomed an update that Scottish Government were developing a full public consultation on recommendations from the Review requiring, or likely to require, legislative change or new legislation. The consultation launched on 24 May 2022 and closed on 16 August 2022, the SPA and Police Scotland both having submitted responses. Following the consultation, Scottish Government intends to bring forward a Bill and Regulations.

Prior to the consultation, Members sought clarity on what influence staff associations could have in this regard, both the SPA and Police Scotland recognising the absolute necessity of their involvement.

The Committee heard that Scottish Government were engaging via the Scottish Police Consultative Forum to understand their views on the Review recommendations in this regard and to seek their input to inform the shaping of resulting legislative proposals, in addition to their being able to respond via formal consultation on the resulting proposals themselves.

New Police Scotland National Complaint Handling Operating Model

In early 2020-21, the Committee heard that Police Scotland aspired to achieve greater consistency of front-line resolutions and complaint handling across the country and to see a national approach with greater consistency of how matters were dealt with and recorded across all divisions.

In May 2021, following a successful pilot during the first COVID-19 lockdown, and to support a number of the recommendations arising from the Dame Elish Angiolini Final Report in respect of improvements to the efficiency and effectiveness of complaint handling, Police Scotland implemented a new national complaint handling operating model, whereby all non-criminal complaints received from members of the public are centrally recorded, assessed and resolved by the trained officers and staff within the Police Scotland Professional Standards Department, including those which would previously have been managed within local and specialist Divisions.

The Committee heard that the new model will deliver a number of benefits, enhancing ownership, accountability and communication, whilst improving timescales and quality, improving efficiency and effectiveness in respect of the management, investigation and resolution of complaints, whilst fully contributing to the learning, development and education of the workforce and, ultimately, managing public satisfaction and building public trust and confidence.

The Committee also heard from the PIRC that the new model should serve to minimise Complaint Handling Review recommendations. Police Scotland advised that the new model would be subject to quarterly review, with the Committee seeking to monitor progress against anticipated benefits going forward.

Monitoring of Handling of Complaints by the Chief Constable

The Dame Elish Angiolini Preliminary Report recommended that all audit arrangements, including regular dip sampling, designed to identify poor practice, good practice and emerging trends should be prioritised and co-ordinated to support the common objective of improving standards and service to the public.

The Final Report, furthermore, notes that the Committee should consider which areas should be the subject of audit, and do so in consultation with the PIRC, as well as outlining a number of specific recommendations in respect of audit more generally. The Final Report recommended that there should be regular audits of Police Scotland complaint handling procedures with a view to ensuring that they remain both efficient and effective, whilst identifying opportunities for learning and improvement.

In March 2021, the Committee were advised of the proposed introduction of a joint SPA/PIRC annual audit process, as a new method of auditing Police Scotland complaints which would serve to meet the respective obligations of both organisations in terms of oversight and review of Police Scotland complaint handling arrangements.

The Final Report specifically highlighted that the arrangements Police Scotland has in place for complaint triage/assessment need to withstand robust internal and external scrutiny and require regular and meaningful audit by Police Scotland, the SPA, and the PIRC. Over the course of the year, the Committee has received regular updates on the planning and delivery of a first joint audit which aims to examine the initial triage of complaints by Police Scotland.

Complaints triage is the process of assessing information in order to decide how serious the allegations are and how they should be dealt with. It is a critical stage in the complaints process, as it determines the route and processes that apply to each complaint. It includes the initial assessment on whether a complaint is a relevant complaint about the police and, if so, whether the complaint is a quality of service issue, or has arisen due to poor individual performance, or is a potential misconduct issue or a criminal allegation.

While the complaint triage is designed to ensure that Police Scotland's response to a complaint is proportionate to the nature of the complaint made, it is not without risk. If a complaint has been incorrectly assessed and, therefore, not progressed, processed or disposed of in the appropriate manner, it can serve to increase the level of dissatisfaction experienced by members of the public. This can have significant ramifications, not only for the member of the public making the complaint, but also the officer who is the subject of the complaint, as well as the organisation as a whole. Ultimately, if Police Scotland gets it wrong, it has the potential to undermine public confidence.

Following introduction of the new national complaint handling model, the National Complaints Assessment & Resolution Unit (NCARU) acts as a triage for all correspondence received from members of the public. The audit will examine complaint triage during the three month period prior to and following the new model, providing a baseline against which it can be assessed and providing assurance of its effectiveness, with a view to identifying opportunities to strengthen and/or improve those new arrangements.

The fieldwork for the audit commenced in March 2022. At the Committee meeting in May 2022, Members heard that this stage was nearing completion, with analysis of evidence due to commence in June. It is anticipated that, following completion of the audit, a resulting report will be published by the end of 2022-23. The Committee look forward to welcoming the report.

Professional Boundaries

In the last year, following a number of high-profile matters, including the tragic murder of Sarah Everard by Wayne Couzens, a serving officer from the Metropolitan Police Service, there has been a push for UK police forces to look at their internal approach to professional boundaries. In October 2021, Police Scotland commissioned a review of all complaints and conduct matters which had been reported to or within the organisation since January 2017 and which contained sexual circumstances.

In May 2022, the Committee considered a resulting report outlining its findings and proposed next steps.

Members heard that 410 reports were considered as part of the review, the most prevalent of which related to allegations of sexual assault, inappropriate comments and inappropriate messages. 63% of these reports related to on-duty matters.

Whilst the review found no significant issues in terms of how these matters were investigated, opportunities were identified to enhance organisational learning and raise awareness of the Standards of Professional Behaviour (as set out in the Police Service of Scotland (Conduct) Regulations 2014 and which reflect the expectations of officers, whether on or off duty).

A number of recommendations were identified, including enhancement of vetting arrangements, and a range of actions and preventative activity to be progressed over the forthcoming 12 months.

During discussion, Police Scotland emphasised the imperative upon its workforce to act with integrity and professionalism at all times, given its privileged position and the vital importance of upholding public trust and confidence. Police Scotland advised that any inference that Standards of Professional Behaviour were not being met would be thoroughly investigated.

Members welcomed the report and strongly supported the improvements being made by Police Scotland in this area. Commitment has been provided to updating the Committee on progression of recommendations and resulting impact.

Private Committee Business

During 2021-22, a number of regular or ad hoc matters in respect of complaints were considered by the Committee in private session. In line with the SPA Corporate Governance Framework, matters may only be considered in private in prescribed circumstances. However, during the year, the Committee has actively sought to ensure that, wherever possible and as appropriate, matters are additionally reported and discussed in public.

Additionally, the Dame Elish Angiolini Final Report recommended that, to increase public confidence in the system, the Committee should consider using its minutes as a means of sharing with the public more of their substantive discussions and how Police Scotland is being held to account in this area; and consider whether some content of the minutes of the private sessions, where some strategic and policy matters are discussed, could be included in the published minutes.

At its meetings in May and August 2021, the Committee considered a proposed approach to the development and agreement of a public version of private sessions of the Committee, which has since been adopted.

Wider Committee Engagement & Training

Whilst not a formal recommendation, Dame Elish Angiolini comments in her Final Report:

"I also believe that the oversight role of the Committee could be enhanced if members were able to see at first hand areas of policing activity relevant to their remit. Where time and resources allow, the members should seek further opportunities to engage with policing in Scotland or engage with other authorities across the UK carrying out similar oversight functions."

In October 2021, Committee Members visited the Police Scotland Professional Standards Department, where inputs were provided by each area of business, serving to add value in terms of Member understanding of Police Scotland processes.

During 2021-22, engagement took place between SPA officials and counterparts in the Policing Authority in Ireland, who were seeking to learn from other policing oversight bodies as to how complaints are handled in other jurisdictions, both in terms of local mechanisms and oversight activities.

In addition, the SPA is currently participating in an international research project on Police Accountability, one of the objectives of which is to develop international standards for independent procedures, resourcing, and good practice in the handling of complaints against law enforcement agencies.

Dame Elish Angiolini also commented:

"It is clearly vital therefore that those carrying out that responsibility for SPA (holding PS to account for the efficacy and effectiveness of its complaints handling practices) are knowledgeable in appropriate complaint handling standards and responses. Both staff and members of the Complaints and Conduct Committee should receive appropriate training to allow them to carry out their functions. The SPA complaints staff should be familiar with model complaint handling procedures published by SPSO and keep up to speed with developments so that they can brief SPA members on best practice and developments in this field."

With the majority of Members joining the Committee from May 2021, development activity was undertaken in early 2021-22 in respect of the Committee's responsibilities regarding determination of complaints within its remit. Additionally, workshops were undertaken with both Police Scotland and the PIRC to support further understanding of partner responsibilities in respect of complaint handling.

During 2021-22, SPA complaints staff participated in training in auditing techniques and approaches, in line with international standards, which will assist with future audit and dip-sampling exercises.

The team have additionally undertaken training in Complaints Investigation Skills with the Scottish Public Services Ombudsman, as well as undertaking a review of SPSO Model Complaints Handling Procedures and relevant international standards in respect of complaints handling.

The team have also been supported, during 2021-22, by the secondment of police officers from the Police Scotland Professional Standards Department, with a view to supporting continuous improvement and shared learning.

Review of Committee Effectiveness

A review of Committee performance is a beneficial way to provide a constructive view of its work and to enhance its effectiveness. At the end of each financial year, each Committee prepares a report on the discharge of its responsibilities based on its terms of reference and work plan.

The purpose of these reports is to provide evidence that the Authority, supported by its Committees, has satisfactorily met its responsibilities for the governance of policing through the application of its governance principles.

Members have considered an evaluation of Committee effectiveness for the period 2021-22 and agreed the content of a formal assurance report.

In summary terms, the following were identified as areas of strength:

- individual and collective Member knowledge has improved
- response to Dame Elish Angiolini Review recommendations
- building good relations with Police Scotland Professional Standards Department
- more openness in meetings

In summary, the following were identified as areas for further improvement:

- timescales in dealing with complaints
- improving understanding of the complainer's perspective
- reports provided to Committee could be more focussed on data analysis, progress and improvement, to support assurance

3

Complaints Handling Performance

This section provides a summary of reports provided to the Committee in respect of 2021-22, with more detailed reports available via the SPA website. It should be recognised that performance statistics are a snapshot in time, correct only at the time collated and differences may be seen in statistics previously reported.

Definitions

What is a 'Complaint'?

A 'Complaint' relates to the overall expression of dissatisfaction provided by the complainer about an act or omission by the Police or Quality of Service received.

What is a 'Relevant Complaint'?

A 'Relevant Complaint' is defined in legislation and is essentially a non-criminal complaint by a member of the public about the police, the SPA, or a staff member of the police or the SPA.

What is an 'Allegation'?

Allegations are the component parts of a Complaint which:

- categorise specifically what has happened
- are capable of being independently Upheld or Not Upheld

Each complaint case may include multiple allegations.

COP26

Operation Urram was the police response to the United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties 26 (COP26), which took place in Glasgow during October and November 2021.

Prior to the Conference, the Committee considered reports in private session from both the Authority and Police Scotland on their respective complaint handling strategies for the event.

Members were informed of scenario planning being undertaken in anticipation of a potential increase in complaints related to policing of the event; how complaints would be triaged in respect of mutual aid officers; the approach to any conduct matters involving officers which might arise; and the introduction of daily SPA liaison with Police Scotland to support oversight during the event itself.

The Committee subsequently considered reports in private session in November (immediately following the event) and in public session in March 2022 providing an up-to-date position on the status of complaints and conduct matters received during and in respect of the event.

During discussions, efforts to reach a resulting state of readiness prior to the event were recognised, as was the daily liaison which took place during the event itself. Particular recognition was given to Police Scotland's use of a QR code enabling a direct link for members of the public to make complaints, an approach which has now been embedded going forward.

As at 1 February 2022, 27 complaints about the police were received by Police Scotland connected to policing activity at or concerning the event (two of which were criminal in nature).

These incorporated 53 separate allegations. Breakdown of complaints by category and status is set out in Table 1 below (two of the three live cases in respect of criminal allegations).

Of those closed:

- 24 were concluded by way of Front Line Resolution (FLR), that is, the complainer was satisfied that their complaint was resolved by way of explanation, assurance or apology
- two complaints were withdrawn
- one was abandoned
- one was deemed not to be a relevant complaint
- 13 of the complaints were deemed to be Quality of Service concerns and therefore not attributed to any particular officer(s)
- of the remaining 14, six related to Police Scotland officers, three to mutual aid officers and in five cases, the identity of the officers could not be established

Table 1:

Category	No. of Complaints	Closed	Live
Stopped & Questioned by Police	5	5	0
Prevented Access due to Roads/Bridge Closure	6	6	0
Manner of Driving	5	4	1
Excessive Force	2	2	0
Containment	5	5	0
Irregularity in Procedure	2	2	0
Assault	1	0	1
Theft	1	0	1
Total	27	24	3

Members noted that the fact that potential increases in complaints relating to the event did not subsequently transpire was testament to the work put in by Police Scotland, particularly in respect of professionalism and standards.

No complaints within the remit of the SPA were received in relation to the event.

In May 2022, the Committee received an update in private session in relation to the Scottish Multi-Agency Resilience Training and Exercise Unit (SMARTEU) formal debrief of Police Scotland Professional Standards Department arrangements for COP26, and noted their reassurance around the outcomes and resulting learning opportunities identified.

COVID-19

The Committee previously heard that COVID-19 had been a key driver in the overall increase in complaints received by Police Scotland during 2020-21.

Following a peak at the outset of the pandemic, the volume of COVID-19 related complaints stabilised during 2020-21 (to a final total of 879 cases), before steadily reducing during 2021-22 (to a final total of 131 cases). As such, the impact of COVID-19 related complaints should be considered when comparing against the previous year.

Police Scotland Complaints Performance

Complaints

Table 2 below provides details of complaints received by Police Scotland during 2021-22, including comparison to the previous four years. Reference to five year averages throughout this report is to the period covering 2016-17 to 2020-21 (inclusive).

Table 2:

Command Area	5-year average	2017-18	2018-19	2019-20	2020-21	2021-22	% Change from 2020-21
East	2,106	2,211	1,942	1,990	2,168	2,102	-3.0%
North	1,483	1,369	1,397	1,561	1,683	1,502	-10.8%
West	2,894	2,869	2,661	2,794	3,122	2,899	-7.1%
Total	6,483	6,449	6,000	6,345	6,973	6,503	-6.7%

During 2021-22, 6,503 complaints from members of the public were received, a decrease of 470 (6.7%) from 2020-21. This overall decrease is assessed as being attributed to the high number of COVID-19 related complaints received during 2020-21, as detailed above. This total represents a 0.3% increase from the five year average.

Based on this wider context, complaints are at a level broadly comparable with an average year.

Decreases in complaints from 2020-21 were identified across all three Command Areas. Low volume increases were identified in the North (1.3%) and West (0.2%) Command Areas, when compared against the five year average, whilst the East registered a 0.2% decrease.

North Command

The increase against the five year average is primarily driven by:

Table 3:

Division	No. Complaints	% Change from 2020-21	% Change from 5 year average
Tayside	551	+1.3%	+13.0%
North East	580	-8.9%	+5.1%
Highland & Islands	281	-16.9%	+8.6%

It is assessed that **Quality of Service** allegations (**Service Delivery** and **Service Outcome**) are the primary drivers involved in the recent increase in complaints within Tayside Division, with a number of actions taken in response.

It should be recognised that, of the corresponding 827 allegations in the Division closed in 2021-22, 7.0% were upheld (a decrease against 2020-21 (9.8%) and the five year average (11.2%)). Therefore, the vast majority of allegations closed were not substantiated.

It should also be noted that the reported number of allegations closed in Tayside may include allegations received in a prior period and allegations received during 2021-22 may remain subject to live enquiry.

The Committee are advised that complaints within Tayside will remain subject to close scrutiny, with any further emerging themes shared as appropriate and with a view to addressing influencing factors, with complaint levels within North East and Highland & Islands Divisions continuing to be monitored.

East Command

Increases of note were identified within the following areas:

Table 4:

Division	No. Complaints	% Change from 2020-21	% Change from 5 year average
Fife	461	+8.5%	+5.0%
Contact, Command & Control	118	+25.5%	+23.2%

The shorter-term picture in the East is notable for the 8.5% increase within Fife during 2021-22. It is assessed that **Quality of Service** allegations (**Service Delivery** and **Service Outcome**) are the key drivers of this increase, although it should be noted that the volume of complaints in 2020-21 was relatively low.

Contact, Command and Control (East) has seen a broadly similar level of increase against both the previous year and the 5-year average, indicative of an exception to the routine volume of complaints registered here. It is assessed that **Incivility** and **Quality of Service (Service Delivery)** allegations are the primary drivers of the increase.

The above findings have been shared with the relevant divisions with a view to addressing the factors assessed to contribute to this increase.

West Command

The key divisions influencing the increase against the five year average are:

Table 5:

Division	No. Complaints	% Change from 2020-21	% Change from 5 year average
C3	159	-5.4%	+41.5%
Dumfries & Galloway	200	+3.6%	+8.9%

No other division in the West except Glasgow and Lanarkshire registered an increase during these comparative periods (the latter experiencing very marginal changes).

Analysis tasked in relation to C3 is now complete, as per update in the East section above. The findings have been shared with the division with a view to addressing the factors assessed to contribute to this increase. The Committee are advised that complaints within Dumfries & Galloway will continue to be monitored.

Complaint Categories

Overall, 47.8% (3,110) of all complaints received during 2021-22 were concluded via Frontline Resolution (FLR) (compared to 50.7% in 2020-21). This comprises 2,620 complaints Frontline Resolved by NCARU, as well as 52 subject to Early Resolution and 438 subsequently resolved by specialist officers via a second attempt at FLR.

As outlined in the [PIRC Statutory Guidance on handling of complaints about the police in Scotland \(October 2022\)](#), the ability to resolve complaints promptly and simply is a key element of an efficient and effective police complaints system. FLR allows complaints to be resolved at an early stage by way of explanation, assurance or apology, usually over the phone or in person, and is intended to be a pragmatic and proportionate approach that benefits all parties involved in a complaint.

The Committee have heard that PIRC have not undertaken any significant analysis to date in respect of complaints addressed by Police Scotland through the informal FLR process, although noted that this should only be used in relation to low-level complaints. They have confirmed, however, an intention to undertake an audit of the FLR process in due course.

A further 1,560 complaints were categorised as Non-Criminal (not FLR), a 24.4% decrease on 2020-21. Taken together, the vast majority of received complaints were either FLR at some stage, or resulted in Non-Criminal enquiry. This contrasts with the 321 complaints categorised as Criminal, representing a relatively low proportion compared to those which are Non-Criminal in nature. The remainder of complaints received were either Abandoned (1,076), Withdrawn (298), Not Relevant Complaint (10) or were Ongoing with the PSD NCARU (128).

Allegations

During the course of 2021-22, a total of 11,027 allegations were received, a reduction of 11.3% compared to the previous year. Reductions in the number of allegations were identified across all three Command Areas, as summarised in Table 6 below, the largest of which was registered in the West.

Table 6:

Command Area	5-year average	2017-18	2018-19	2019-20	2020-21	2021-22	% Change from 2020-21
East	3,313	3,297	3,186	3,099	3,552	3,505	-1.3%
North	2,606	2,366	2,620	2,687	2,795	2,448	-12.4%
West	5,029	4,696	4,428	5,056	6,085	5,074	-16.6%
Total	10,948	10,359	10,234	10,842	12,432	11,027	-11.3%

Members are advised that fluctuations in levels geographically are reflective of variations in the number of officers working within the three command areas, as opposed to any disproportionality in complaint levels if examined controlling for workforce size.

Allegation Categories

There are three broad categories of police complaints:

- on-duty complaints
- off-duty complaints
- quality of service complaints

Table 7 provides a breakdown of allegations by category for each of the past five years. The majority of allegations received are on-duty which accounted for 68% of allegations received by Police Scotland in 2021-22.

Table 7:

Allegations by Category	2017-18	2018-19	2019-20	2020-21	2021-22	% Change from 2020-21
On Duty	8,129	7,970	8,308	9,250	7,511	-18.8%
Off Duty	48	31	23	16	13	-18.8%
Quality of Service	2,182	2,233	2,511	3,166	3,503	+10.6%
Total	10,359	10,234	10,842	12,432	11,027	-11.3%
Of which No. of Criminal Allegations	267	313	530	559	488	-12.7%

Allegations are further broken down to a number of sub-categories, with Table 8 (next page) showing the ten sub-categories which generally receive the highest volume of allegations.

Over the past five years, **Irregularity in Procedure** continues to be the sub-category which has the highest number of allegations, followed by **Incivility** and the three **Quality of Service (QoS)** sub-categories of **Service Outcome**, **Service Delivery** and **Policy/Procedure**.

Taken together, **Irregularity in Procedure**, **Incivility** and **QoS** accounted for 82% of the allegations received during 2021-22. This proportion has remained broadly steady over the previous four years.

Table 8:

Allegation Sub-Category		2017-18	2018-19	2019-20	2020-21	2021-22	% Change from 2020-21
Quality of Service	Service Outcome	914	1,054	1,235	1,756	1,603	-8.7%
	Service Delivery	842	772	843	885	1,171	+32.3%
	Policy/Procedure	426	407	433	525	729	+38.9%
On Duty	Irregularity in Procedure	4,465	4,420	4,654	4,876	3,722	-23.7%
	Incivility*	1,758	1,622	1,754	2,062	1,851	-10.2%
	Excessive Force	548	592	457	594	607	+2.2%
	Assault	155	185	387	434	398	-8.3%
	Oppressive Conduct	281	311	269	366	308	-15.8%
	Other – Non Criminal	319	267	208	340	124	-63.5%
	Discriminatory Behaviour	64	89	87	103	120	+16.5%

*The data reported for Incivility differs from that reported to Committee as it is limited here to the 'On Duty' category.

Low volume increases in **Excessive Force** were identified across various divisions during 2021-22. The national increase is primarily driven by Ayrshire, Renfrewshire & Inverclyde, Fife and Greater Glasgow (with increases in allegations of 13, 11, 10 and 18 respectively), albeit offset by notable decreases within Lanarkshire and Argyll & West Dunbartonshire (23 and 21 respectively).

The increase regarding **Quality of Service (Policy/Procedure)** is primarily driven by Greater Glasgow and Lanarkshire (with increases in allegations of 71 and 58 respectively). Relevant allegations within these particular divisions primarily relate to the **Policing Procedure** sub-category and the most common theme identified was regarding information/updates.

Although the volume of relevant allegations has broadly stabilised within Lanarkshire, these continued to rise within Greater Glasgow during autumn 2021, spiking in November before subsequently levelling. It is assessed that the latter is primarily driven by COP26 related complaints (see above), with dissatisfaction within this category primarily relating to road closures and officers preventing members of the public accessing same.

The increase in **Quality of Service (Service Delivery)** allegations is primarily driven by Tayside and C3 Division (with increases in allegations of 78 and 48 respectively), supplemented by lower volume increases within North East, Highland & Islands, Lothians & Scottish Borders and Fife (33, 22, 31 and 32 respectively).

Within this allegation category, the key themes identified in Tayside broadly relate to a perceived lack of police action (as above) and also to police attendance. Although the volume of relevant allegations have stabilised between October and February of 2021-22, monthly volumes remained at a higher level than any point in 2020-21. The key theme identified as regards **Service Delivery** allegations against C3 Division relates to dissatisfaction over waiting times when contacting 101.

A further theme identified within this allegation category relates to the perceived manner of service advisors. The volume of relevant allegations stabilised between October and March of 2021-22. Seeking to further understand changes in respect of C3, the Committee was advised that, as a result of analytical work undertaken, it was established that this was less to do with handling of calls themselves, but rather around resulting police response (i.e. broader quality of service complaints).

Members have sought to understand changes in allegation levels in respect of **quality of service** more generally, Police Scotland advising that this was attributable to the ability of local policing to respond to demand in light of availability of resources.

Members have also sought to understand changes in allegation levels in relation to **discriminatory behaviour**. Police Scotland have noted challenges in drawing direct comparison to the previous year in this regard given COVID lockdown rules in place at the time.

Members have requested provision of further data analysis to allow the Committee to more fully understand changes in allegation levels, noting the need to gain a sense of the magnitude and complexities of complaints being received and to seek assurance around resulting organisational learning.

Whilst complaint levels in respect of **irregularity in procedure** have reduced compared to the previous year, they nevertheless remain the highest complaint category.

Police Scotland advise that significant work has been undertaken to reach a more manageable approach in respect of the volume of guidance documents and that more significant policies used by officers on a regular basis have been turned into toolkits to make them more accessible and practical to use.

However, they have committed to providing further detail on the drivers behind continuing high levels of complaints in this regard.

Determinations

During 2021-22, a total of 11,150 allegations were closed. Of those, 7.0% were upheld. This represents a decrease from the previous year rate of 8.3% and the five year average of 10.1%.

Whilst Members have questioned the proportion of upheld complaint allegations, it should be noted that Police Scotland currently reports the proportion as a total of all complaints received, rather than only those which have required a formal determination (i.e. it currently includes those complaints addressed informally via Frontline Resolution, as well as those withdrawn, abandoned or malicious in nature).

It should be noted that, if complainers are dissatisfied with the handling of their complaint, they can request a review via the PIRC.

Members have also heard that the new centralised national complaint handling model offers a further degree of independence in handling, alongside the independent role of PIRC/COPFS regarding criminal complaints.

Closure Timescales

In line with PIRC Statutory Guidance, policing bodies should aim to respond to complaints requiring investigation within 56 days of receipt (with the aim of FLR being to provide a quick, informed response within a much shorter timescale).

During 2021-22, 1,457 complaints assessed as non-criminal (and not subject to FLR) were closed, with 403 (27.7%) closed within 56 days. The average closure time was 129 days.

These timescales for non-criminal cases represent a decrease against 2020-21, where 38.4% were closed within 56 days and the average closure time was 115 days.

624 of these complaints were received since the new model implementation in May 2021 and were therefore handled by the Professional Standards Department. Of those, 191 (30.6%) were closed within 56 days and the average closure time was 95 days.

Police Investigations & Review Commissioner

Unless otherwise stated, data in this section of the report refers to all cases considered by the PIRC. Whilst the vast majority of cases relate to Police Scotland, figures include a small minority relating to complaints handled by other policing bodies operating in Scotland.

Complaint Handling Review (CHR) Applications

Complaints handled by Police Scotland (and by other policing bodies operating in Scotland, including the SPA) may be subjected to an independent Complaint Handling Review (CHR) by PIRC. Within three months of receiving a final response from Police Scotland, complainers have the opportunity to request an independent review by PIRC in respect of how their complaint was handled. The PIRC publish an anonymised Executive Summary version of complaint handling reviews on its [website](#).

As outlined in table 9 below, the PIRC received 271 applications requesting a complaint handling review during 2021-22. This is broadly comparable to 2020-21, with little fluctuation in the number of applications over the past five years.

Table 9:

	2017-18	2018-19	2019-20	2020-21	2021-22
Applications Received	291	258	278	270	271

CHR Reports

Table 10 below provides details of CHRs which have been concluded during 2021-22. Following a peak in 2019-20, CHR reports reduced by 3.7% in 2020-21 and by a further 9% in 2021-22.

Police Scotland advise that, notionally, the proportion of complaints subject to a CHR by PIRC in 2021-22 was 3%.

Table 10:

	2017-18	2018-19	2019-20	2020-21	2021-22
No. of Cases*	188 (186)	137 (133)	242 (238)	233 (230)	212 (210)
Heads of Complaint Reviewed	708	527	850	886	817
Average Heads of Complaint	3.8	3.8	3.5	3.8	3.8

*Figures in brackets refer to Police Scotland cases.

CHR Outcomes

Table 11 below provides details of the proportion of Heads of Complaint (HoC) reviewed (and closed) by PIRC assessed as having been handled by Police Scotland to a reasonable standard. Whilst 2021-22 saw a slight decrease against 2020-21, the figure is still considerably higher than each of the preceding three years.

Table 11:

	2017-18	2018-19	2019-20	2020-21	2021-22
HoC Handled to Reasonable Standard	53%	44%	62%	71%	68%

While CHR outcomes are assessed as 'reasonable' or 'not reasonable', the PIRC are proactive in highlighting good complaint handling practice in feeding back to Police Scotland and will comment in instances where this has been particularly good.

Whilst it is appreciated that the number of CHRs undertaken by the PIRC account for a very small proportion of all complaints handled by Police Scotland, Members have noted that just under a third of CHRs in 2021-22 were not considered to have been reasonably handled, and have sought clarity on what learning is being achieved to prevent recurrence.

CHR Disposals

Table 12 provides details in relation to CHR disposals that have been issued during 2021-22. Reconsideration Directions are reserved for cases where serious shortcomings or concerns have been identified. It is noted that no Supervised Reconsideration Directions had been made in the last three years.

The Committee has noted that it would welcome more granular detail in respect of CHR disposals.

Members heard from Police Scotland that its position is to embrace all recommendations that are returned from the PIRC following Complaint Handling Reviews (CHR), and from the PIRC that any recommendations remain open until they are satisfied that they have been fully implemented. The Committee has noted that it would welcome further assurance reporting in this regard.

Table 12:

	2017-18	2018-19	2019-20	2020-21	2021-22
Reconsideration Direction - Supervised	1	1	0	0	0
Reconsideration Direction - Unsupervised	51	54	39	17	13
Recommendations	266	217	303	270	264
Learning Points	36	49	74	52	108

Recommendations Made

Figure 1 below provides details on the recommendations issued to Police Scotland by type in 2021-22:

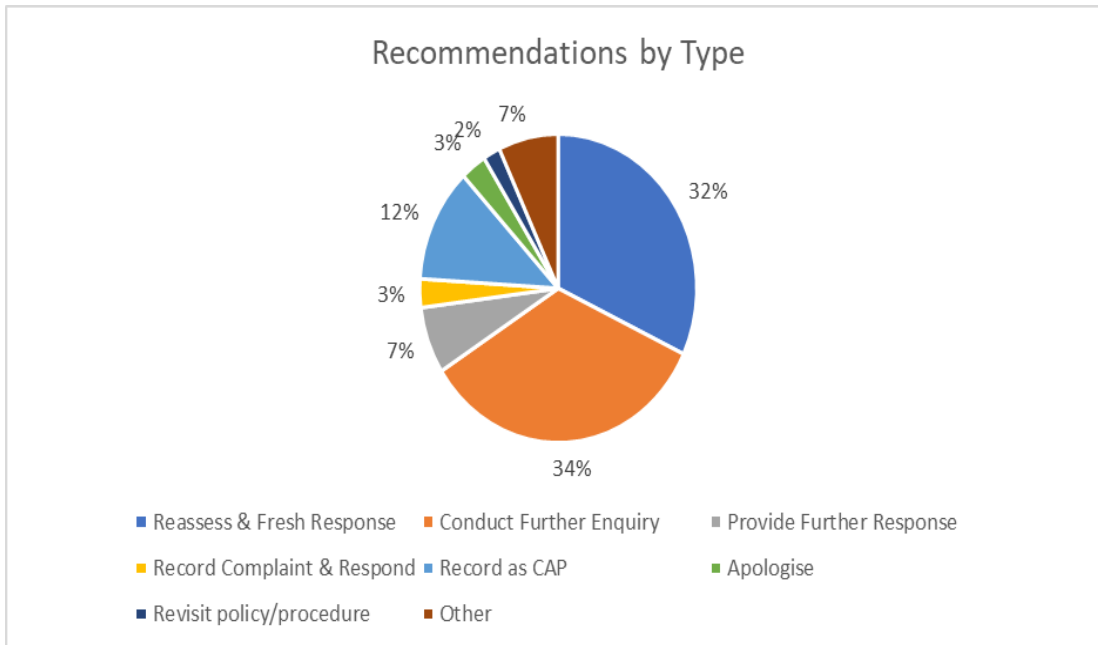
- 34% of the recommendations relate to insufficient enquiry having been carried out
- 39% arise from the quality of the final response letters that Police Scotland sent to complainers
- 15% relate to the manner in which Police Scotland has recorded individual complaints

It is recognised that, in respect of resulting recommendations in these cases, a significant proportion related to the quality of explanations being articulated within the commentary of final response letters back to complainers that required more work (as opposed to concern over the determination of the complaint itself).

PIRC advise that this has remained an issue for a number of years, with issues around, for example, use of plain English or failing to identify officers without justification. It was noted that Police Scotland and the PIRC intend to discuss these matters at a forthcoming practitioners' forum.

It is recognised that a significant proportion of resulting recommendations also relate to sufficiency of enquiry having been carried out into complaints, with the Committee seeking to understand any trends/themes in this regard. PIRC advise that such recommendations tend to vary on a case-by-case basis, focussed around further enquiry which PIRC consider would have been proportionate to inform determination of the complaint.

Figure 1:



Police Scotland Organisational Learning

Learning and improvement is a key focus across Police Scotland and, in particular, in respect of complaint handling and public confidence in the process. The Committee understands that Police Scotland is committed to promoting a culture of organisational learning, and that trying to reduce, appropriately, complaints is an organisational imperative.

Organisational learning is identified and derived through a variety of sources, including, but not restricted to, PIRC Complaint Handling Reviews (CHRs), PIRC Investigations, reports shared by the Crown Office and Procurator Fiscal Service, audits by external agencies, internal reviews of particular incidents, conduct matters or processes, and from internal feedback identified as part of the complaint handling process.

There are various avenues for the dissemination of learning, review and the implementation of improvement of policies and procedures. The most appropriate route for dissemination is identified, whether through the governance structure instigated in respect of serious incidents, or through a communications strategy and via the monthly Divisional Commanders' report, e-briefings, memoranda, news articles on the internal website and SPA Complaints and Conduct Committee quarterly reports.

Complaint handling is a standing item on local scrutiny boards, in preparation for which PSD engage directly with Divisions. Each month, Divisional Commanders are provided with complaint data, highlighting both quantity and types of complaints in their specific areas, alongside comparative data and any identified themes and/or trends. This forum is also used to deliver organisational learning messages and instigate associated actions.

Compliance with recommendations and learning is monitored to ensure it has been successfully embedded in practice. The reports are supplemented by monthly meetings where learning opportunities can be identified and reinforced. Additional support can be provided by the dedicated PSD training team

Examples of learning identified during 2021-22 were as follows:

Learning in Respect of Complaint Handling

- It is acknowledged that there will be occasions where members of the public will highlight issues to officers that can be dealt with by means of explanation or clarification. Good practice dictates that such dissatisfaction can and should be dealt with at the earliest opportunity by the officer engaging with the individual or by their supervisor, should circumstances allow.
- Officers and staff who are dealing with complaints are reminded of the terms of the PIRC statutory guidance in relation to FLR and non-investigation provisions (including, but not limited to, the need to carry out a sufficient and proportionate level of enquiry prior to attempting FLR). This will help to ensure that the provisions are applied appropriately, thereby increasing public confidence in the complaint handling process.
- Officers are reminded to maintain an auditable record of all enquiries carried out during their processing of complaints. Failing to do so allows for gaps regarding times and dates and the specific nature of complaints. All accounts from people making complaints should be taken in writing. Whilst verbal communication over the telephone is useful to clarify points, full accounts of the circumstances should always be written. Where accounts are noted over the telephone, these should then be sent to the person making the complaint for verification. Similarly, where verbal accounts are obtained from officers during a complaint enquiry, an auditable record of those accounts should be collated.
- Complaint handlers must ensure that, where mobile or CCTV footage is available, this should be used as best evidence in determining complaints. Such evidence should be retained in a proper manner, to ensure it is also available to inform any subsequent PIRC review.

- Officers involved in complaint handling are reminded of the importance of providing factually accurate final response letters which have the necessary detail to explain the level of enquiry carried out, and properly reflect the information that has been gathered, during the complaint enquiry; and how the information was used to inform whether to uphold or not uphold the complaint, to help ensure that the person who made the complaint is able to fully understand how the decision was reached. This approach will help to build public confidence in the police complaint handling system.
- All officers involved in complaint handling are reminded that, in line with PIRC statutory guidance, officers should be named in any response letters or their badge numbers referred to unless there is a specific officer safety reason for not doing so.
- Final response letters should acknowledge any delay in complaint handling processes (i.e. for those over 56 days), explain the reasons for any delay and provide the applicant with an apology. This should be borne in mind by complaint handlers when dealing with complaints in the future.
- Complaint handlers are reminded of the importance of identifying all opportunities for learning and service improvement, in accordance with the relevant complaint handling procedures. Findings from a CHR highlighted that any learning identified from complaints, and any action which has been proposed or taken so that similar situations can be avoided in the future, should be appropriately and consistently communicated to the person who made the complaint. This approach will serve to improve public confidence in the effectiveness of the complaints process.

Learning in respect of Policing Practice

- Local management within individual Divisions have implemented a range of actions to address matters raised following analysis of recent complaint trends:
 - Working closely with C3 to enhance service provision at the point of contact, recognising that communicating resourcing decisions to callers (e.g. explanations of when immediate attendance would and would not be possible, better use of diary cards) is an important part of the process, facilitating informed and realistic expectations.
 - Guidance has been issued to supervisors to pro-actively assess action taken by officers when dealing with an incident. All crimes that are recorded and investigated are subject to scrutiny by both First Line Managers and the Divisional Crime Management Unit. Where insufficient evidence exists to issue criminal charges, the circumstances of this decision are explained to the reporting parties.

- Engagement with Officer Safety Training to highlight 'method of arrest/detention' as an area for development.
 - Reminding officers through briefings of the need to provide members of the public with their contact details.
 - Reminding officers of the need to provide sufficient update to members of the public who have contacted the police to report a crime.
- Preventative work by the Professional Standards Department has included multiple inputs to supervisors in Divisions around the Standards of Professional Behaviour and their role in upholding these.
 - Officers are reminded of the importance of providing their own accounts to inform any future enquiry. While officers' accounts may understandably be similar, they should not be copies of each other. Police Scotland Professional Standards Department has recently circulated a memorandum to all divisions in this connection.
 - Findings from a PIRC investigation identified updates that were made on a custody record after the individual was found deceased. A divisional memo, e-brief and a Force Form have been circulated for Police Custody and Security Officers (PCSOs) to ensure that their updates on the National Custody System are as accurate as possible. An audit will be conducted to assess the accuracy of entries on this system.

Police Scotland have committed to bringing forth future reporting focussed on learning, at both organisational and divisional levels, and how this is being progressed. The Committee note that being a learning organisation, although the right thing to do, can be a challenge to achieve in practice. Police Scotland are currently seeking to progress a wider Organisational Learning & Development Programme not limited to complaints. Additionally, during 2022-23, Police Scotland plan to introduce a Preventions and Professionalism Programme which will address all learning and how that is taken through each stage of training within the organisation.

Scottish Police Authority Complaints Performance

The following charts provide information regarding the handling of complaints received by the Authority during 2021-22, and provide comparison to previous years. Due to prior arrangements for reporting to Committee, the following information is not limited to 'relevant complaints' only (except where otherwise stated). New arrangements are in place from 2022-23, enabling specific reporting in this regard in future annual reports.

Complaints

As outlined below, the number of complaint cases (and allegations) received that are within the remit of the SPA (see Introduction) has reduced slightly over the past five years, albeit numbers have been consistently low during this period. 'Relevant complaints' specifically have similarly reduced over the last four years (see Figure 5).

In all instances, data below relates solely to cases received within the remit of the SPA.

The SPA continues to receive significantly more complaints than it is responsible for within the legislative framework. The vast majority of these are matters which require to be brought to the attention of Police Scotland's Professional Standards Department (PSD).

In November 2021, the SPA updated the content of its website Complaints page with a view to improving understanding of complaints within its remit and its complaints handling process, and to assist in signposting of complaints to the appropriate authority (where this is not the SPA).

In addition to the above, the SPA continues to undertake a project to review and renew its overall digital offering, and user testing of the revised complaints webpage will be undertaken as part of this exercise.

The SPA Complaints Team are continuing to make contact with complainers who have come to the SPA in the first instance incorrectly in order to understand why, and further work is being progressed via the National Complaint Handling Development Group (NCHDG) to ensure that all partner communications are equally clear in respect of appropriate signposting. Further information on the work of the NCHDG is detailed in the Cross-Agency Joint Working section of this report. The Police Scotland QR Code (which links to its own complaints web page) has also now been added to the SPA website.

The SPA Complaints Team continue to monitor this issue, and will report on the impact these changes make to the overall number of contacts that are not within the remit of the SPA to deal with, as data becomes available over a representative period.

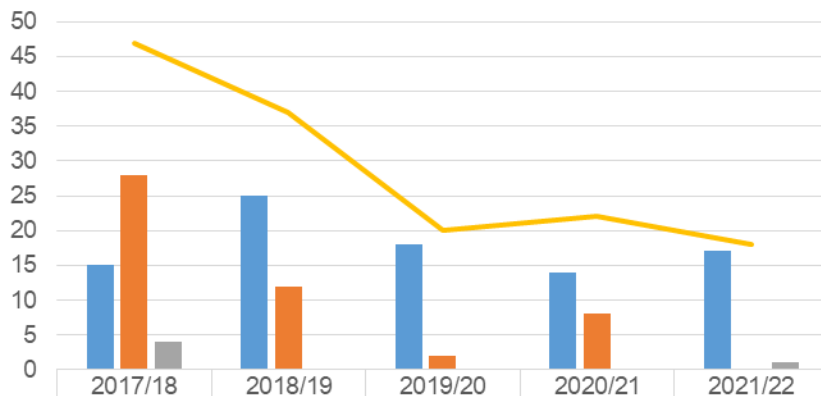
Figure 2 below shows the number of Complaint Cases broken down by the origin of the complaint and shows that complaints may be received from members of the public, from serving or former police officers/members of staff or made anonymously.

'Internal' complaints made by serving or former police officers/members of staff include those received through 'Integrity Matters' which is a confidential reporting system for all Police Scotland officers/staff. Although Integrity Matters provides the option to report matters anonymously, the nature of the complaints are such that it is possible to identify that they are 'internal'.

The number of complaints received from members of the public has remained broadly steady over the past five years, while the number received from serving or former police officers/members of staff has shown an overall reduction.

Figure 2:

Complaint cases by origin of complaint



Member of The public	15	25	18	14	17
Serving or former officer or staff	28	12	2	8	0
Anonymous	4	0	0	0	1
Total	47	37	20	22	18

Allegations

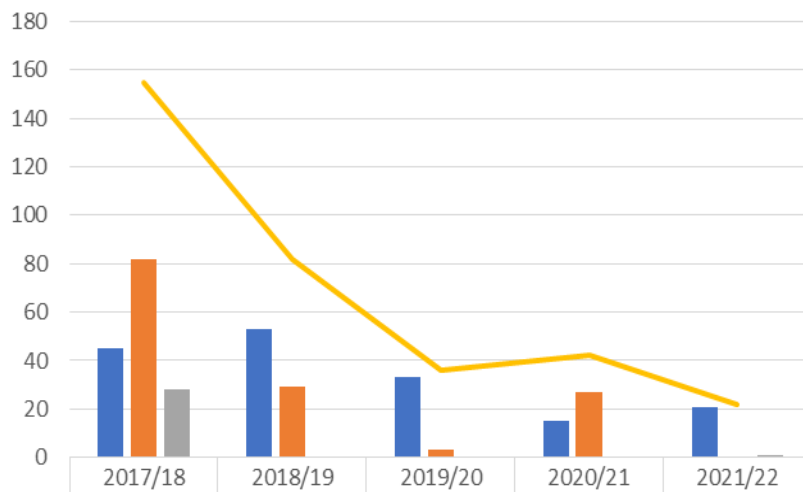
Figures 3 and 4 show the number of allegations contained in cases received by the SPA, broken down by both origin and subject of complaint. As with the number of complaint cases, the number of allegations has reduced over the past five years.

The number of allegations received from members of the public and those received from serving or former police officers/members of staff has reduced in overall terms over the past five years.

2017-18 saw a large number of allegations received about senior officers, with data showing a reduction in these numbers over the next four years. While allegations received about the SPA or its staff saw a spike in numbers during 2018-19, the subsequent three years has seen a steady reduction in the number of such allegations received.

Figure 3:

Allegations by origin of complaint



Member of the public	45	53	33	15	21
Serving or former officer or staff	82	29	3	27	0
Anonymous	28	0	0	0	1
Total	155	82	36	42	22

Figure 4:

Allegations by subject of complaint

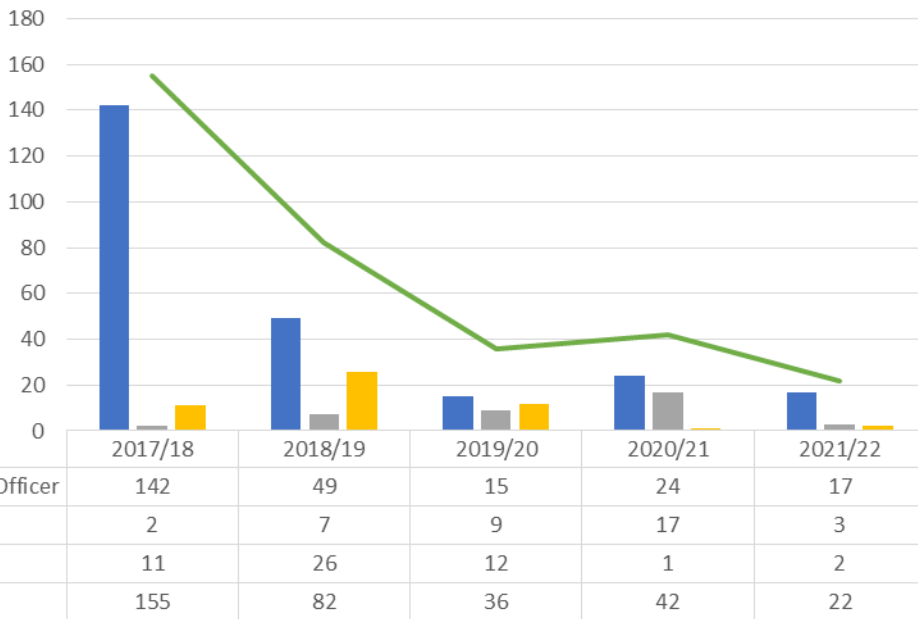


Table 13 below shows breakdown of allegations by subject of complaint specifically in respect of 'relevant complaints' for the last two years. Overall allegations are unchanged from 2020-21, with marginal changes by subject.

Table 13:

	'Relevant Complaint' Allegations by subject of complaint			Total
	Senior Officer	Forensics	SPA	
2020-21	13	3	1	17
2021-22	15	1	1	17

Table 14 below shows breakdown of 'relevant complaint' allegations over the same period by category, with marginal changes in terms of **On Duty** and **Quality of Service** allegations (and no Off Duty allegations in either year).

Table 14:

	'Relevant Complaint' Allegations by category			Total
	On Duty	Off Duty	Quality of Service	
2020-21	12	0	5	17
2021-22	16	0	1	17

Determinations

Table 15 shows the determination of allegations. Withdrawn complaints are those where the complainer intimates that they wish to withdraw a complaint.

Abandoned complaints are those which cannot proceed without the complainer's further co-operation.

If a complaint cannot proceed due to the complainer being subject to the SPA's 'Unacceptable, Persistent or Unreasonable Actions by Complainers Policy', this is recorded in the table as 'Closed- UA'.

A significant proportion of cases within the remit of the SPA during the past two years were resolved through early stage resolution (which enables complaints to be resolved at an early stage by way of explanation, assurance or apology). Of those which did require a determination by the SPA, the majority of allegations were not upheld.

Changes to the SPA recording process over the five year period mean it is not possible to provide further breakdown of determinations in respect of the period prior to 2020-21.

Table 15:

Determination	2017-18*	2018-19	2019-20	2020-21	2021-22
Upheld	1	3	3	0	0
Not Upheld	154	79	33	34	10
Early Stage Resolution				6	5
Abandoned				1	0
Withdrawn				1	0
Closed-UA				0	0
Ongoing**				0	0
Total	155	82	36	42	22

* Reported dates refer to when complaints were received as opposed to date closed.

**Cases marked ongoing in 2021-22 were yet to be determined at the time of reporting.

Table 16 shows determination of 'relevant complaint' allegations over the past two years, with marginal changes compared to last year.

Table 16:

Determination	2020-21	2021-22
Upheld	0	0
Not Upheld	9	9
Early Stage Resolution	6	4
Abandoned	1	0
Withdrawn	1	0
Closed-UA	0	0
Ongoing	0	4
Total	17	17

Closure Timescales

As noted above (see Introduction), the handling of relevant complaints are subject to the oversight of the PIRC who have an expectation that such complaints should be completed within 56 days (or 40 working days).

A number of factors can affect the time taken to conclude relevant complaints. These may include:

- number of allegations made by the complainer
- complexity of the complaint and
- availability of the information required to determine the complaint

However, regular contact is made with those who raise complaints and to ensure that they are advised at the earliest opportunity once a clear indication of the complaint outcome is known.

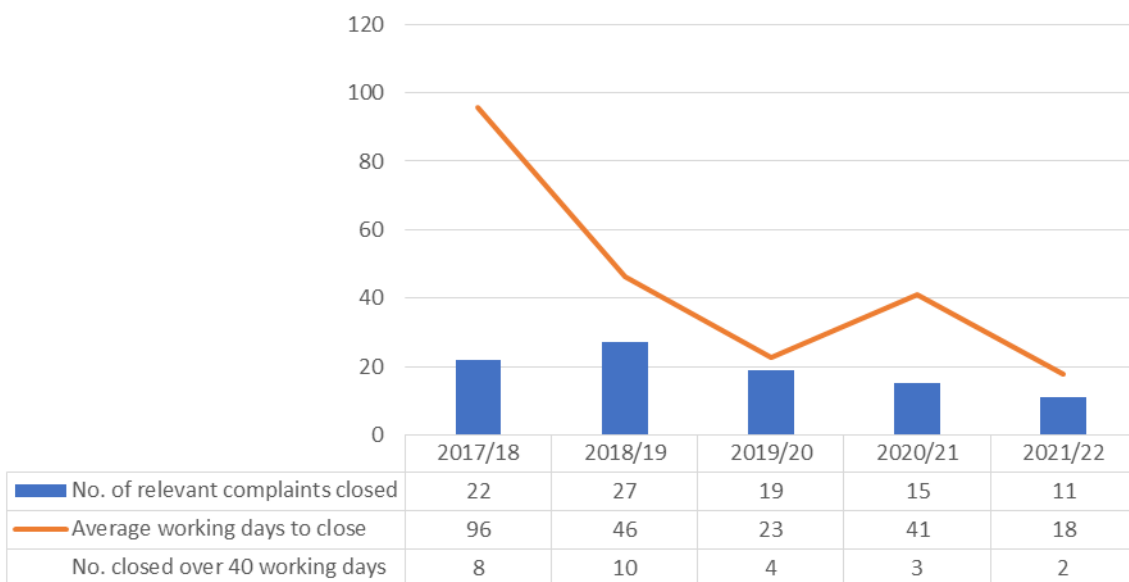
Figure 5 below shows the timescales for the closure of 'relevant complaints' handled by the SPA.

A total of 12 'relevant complaints' were received in 2021-22, one of which (not included in Figure 5) was ongoing at the time of reporting.

The average time taken to close relevant complaints has reduced over the past five years while the number of relevant complaints completed outwith the PIRC's expected completion time of 40 working days has also shown a reduction.

Figure 5:

Timescales to close relevant complaints



4

Cross-Agency Joint Working

One of the recommendations arising from the Dame Elish Angiolini Preliminary Report was that there should be the immediate establishment of a senior cross-agency Working Group involving the SPA, Police Scotland and the PIRC to develop appropriate and up-to-date guidance drawing on the considerable knowledge and expertise that exists within, and outwith, those organisations, consulting other experts and external organisations as and when required.

The Report further recommended that this approach would benefit from Crown Office and Procurator Fiscal Service (COPFS) representation. In response, a cross-agency National Complaint Handling Development Group (NCHDG) and Strategic Oversight Group (SOG) were established. Regular updates on the work of both groups are provided to the Committee.

National Complaint Handling Development Group

The NCHDG was established in August 2019 to provide a forum for the SPA, Police Scotland and the PIRC to work collaboratively to consider all aspects of complaint handling in relation to policing in Scotland, with the overarching purpose of improving public trust and confidence in policing in Scotland. During 2021-22, the group have progressed joint work in respect of the following:

- review and update of partner website complaints pages
- development of a Police Scotland QR code, improving complaint accessibility
- planning in respect of a first PIRC/SPA Joint Audit of Police Scotland complaints handling
- regular issue of PIRC Learning Points
- input to Organisational Learning section of Police Scotland Commanders Report and Blog
- review and publication of PIRC Statutory Guidance
- review and publication of partner Unacceptable, Persistent or Unreasonable Actions by Complainers Guidance
- partner input to a Joint Induction Training Package for complaint handlers
- establishment of Police Scotland National Complaint Handling Model (see below)

Strategic Oversight Group (SOG)

The SOG was formally established following publication of the Dame Elish Angiolini Preliminary Report in June 2019, and comprises representatives from Police Scotland, PIRC, SPA and COPFS, with the purpose of working together to achieve:

- increasing public confidence and satisfaction with service across all relevant bodies
- ensuring consistent practice in relation to complaints handling and investigations across the policing/justice sector
- dealing effectively and expeditiously with complaints to reduce delays
- increasing public awareness and understanding of the complaints handling and investigations process
- improving communication with the public around progress
- fostering proactive co-operation between organisations; and
- sharing relevant information in relation to all aspects of complaint handling and investigations

Following publication of the Dame Elish Angiolini Final Report, a new terms of reference was established for the SOG as part of the national governance structure established to oversee implementation of resulting recommendations (see above), but with meetings having a partitioned agenda to allow for discussion of ongoing shared operational matters, in line with the original terms of reference for the group.

During 2021-22, the focus of discussion in this regard has included the following:

- development and publication of a version of the [Memorandum of Understanding](#) (MoU) between the PIRC, Police Scotland and the SPA (which seeks to ensure effective co-operation between agencies in the provision, sharing and exchange of information or services, to allow each organisation to fulfil their statutory functions and obligations). Whilst recognising the need to protect operationally sensitive matters, publication of the MoU is intended to demonstrate the commitment of partners to transparency
- implementation of a new model for referral, assessment and investigation by PIRC of complaints against Police Scotland alleging a breach of Article 3/5 of the European Convention on Human Rights (ECHR)
- update on COPFS Criminal Allegations against the Police Division (CAAP-D) inspection progress
- diversity monitoring on equality and diversity issues
- COP 26 planning arrangements
- revised PIRC statutory guidance on complaints handling

5

Look Ahead to 2022-23

In her Final Report, Dame Elish Angiolini comments:

"I believe that the two functions below are the significant responsibilities that the Complaints & Conduct Committee should focus on in future:

"(iii) Monitor the handling of relevant complaints by SPA and PS, seeking information on themes or trends as appropriate, with a view to the Committee satisfying itself that the arrangements maintained by SPA and PS for the handling of relevant complaints are suitable."

"(ix) Critically examine reports from HMICS, PIRC, and any other information provided by PS in relation to complaints about the police, and ensure that appropriate improvement plans are implemented or remedial action is taken within agreed timescales."

Looking ahead to 2022-23, the Committee will seek to capitalise on earlier progress in respect of the collation and analysis of complaints handling statistics, with a view to seeking greater insights in respect of complaints handling performance through the quarterly reports provided by the SPA, Police Scotland and the PIRC.

It will also provide continued oversight in respect of the delivery of actions being taken forward by the SPA and Police Scotland relating to recommendations from the Dame Elish Angiolini Review, and seek evidence that those actions successfully have the desired impact.

Linked to both of the above, a key milestone will be publication of the findings of the first joint SPA/PIRC annual audit of Police Scotland complaint handling arrangements.

In carrying out the above, the Committee will seek to enhance its ability to assess the suitability of complaints handling arrangements, as well as to promote ongoing continuous improvement in this regard, extending beyond the complaints handling process itself, seeking assurance that resulting organisational learning is identified, shared and embedded with a view to preventing those circumstances which give rise to complaints recurring in the future, serving to deliver against the Scottish Police Authority vision of 'policing in the public interest'.